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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,201	11/26/2003	Eric Coulibaly	11694/04311	1200
27483	7590	09/12/2005	EXAMINER	
CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			EDWARDS, LAURA ESTELLE	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

T-P

Office Action Summary

Application No.

10/707,201

Applicant(s)

COULIBALY ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>082905</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

New Grounds of Rejection

Acknowledgment is made of the terminal disclaimers filed as of June 2005 and July 2005 that have been approved. However, as directed, newly found prior art to Kazarian has been applied in a rejection that follows.

Claim Objections

Claims 5 and 6 are objected to because of the following informality: in claim 5, line 3, "a spray gun" should be changed to --the spray gun--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crum et al (US 6,863,920) in view of Kazarian (US 5,949,401).

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Crum et al disclose a controller used in a powder coating system, the coating system comprising a coating supply (28), a pump (col. 5, lines 31-38) for supplying coating material from the coating supply through a hose (30) to a spray gun (18) for spraying coating material onto a part (14) conveyed past the spray gun by a conveyor (16), and an operator controller (36; col. 6, lines 41-56) for controlling the operation of the spray gun as the part is moved by a conveyor relative to the spray gun. While Crum et al further suggest that an external PC or controller (see col. 6, lines 61-62) can be used in the powder coating system in communication with the operator controller, Crum et al are silent concerning a hand held controller capable of transmitting signals to the operator controller and including input devices to transmit gun triggering signals to the operator controller to program the operator controller to operate the spray gun in relation to movement of the part by the conveyor relative to the spray gun.

However, it was known in the computer art, at the time the invention was made, to provide a hand held controller having input devices in communication with a computer or other equipment to enable transmission of control signals to the computer or other equipment in order to enable the user to operate the computer system or other equipment in any position, sitting to standing to moving around so that the user is not confined to a desk as evidenced by Kazarian (see col. 2, lines 17-26; col. 3, lines 3-22; and col. 7, lines 40-54). It would have been obvious to one of ordinary skill in the art to provide a hand held control device as taught by Kazarian in the Crum et al powder coating system in communication with the operator controller as the external controller to enable transmission of control signals to the operator controller as well as the powder coating system in order to enable the user to control the operator controller and the

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powder coating system in any position, sitting to standing to moving around, so that the user is not confined to a desk.

With respect to the use of electrical cables or wires, Kazarian recognizes the use of known equipment with the handheld device including [electrical] cables (see col. 7, lines 49-54).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are directed to controlled coating systems: Lowery, Schmitkons et al, and Dooley. The following patent discloses the state of the art with to the use of a handheld computer: Otey III et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura Edwards
Primary Examiner
Art Unit 1734

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September 1, 2005